

Remarks

The application has been reviewed in light of the final Office Action dated September 28, 2005. Claims 1 and 3 have been amended by the foregoing amendments. Claims 4 and 10-12 have been cancelled without prejudice. No new matter is introduced by the amendments.

The Examiner has rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite. By the foregoing amendments, independent claim 1 has been amended, and the claims are now in condition satisfying the requirement under 35 U.S.C. 112, second paragraph. In this regard, the Examiner has noted that it is not understood as to what portion of either the base (bottom) portion or the side portion or any combination thereof is so constitute as to form a configuration that would sit on a horizontal surface. Applicant respectfully submits that what portion of the container (i.e., ether the bottom portion or the side portion or the combination) is configured to sit on a horizontal surface is not an essential feature of the invention intended to limit the invention thereto, and it does not matter as long as the container is shaped to sit on the horizontal surface for loading or reloading powder or shots in the container.

The Examiner has rejected claims 1-8 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. Applicant respectfully submits that these claims as amended are in condition satisfying the written description and enablement requirements under 35 U.S.C. 112, first paragraph. As noted above, what portion of the container is configured to sit on a horizontal surface is not an essential feature of the invention, as to which the present invention is intended to limit.

The Examiner has rejected claims 1-2, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by Manem et al. (US Pat. No. 3,490,501). The Examiner has rejected claims 1-2, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by Heberer (US Pat. No. 6,212,691). The Examiner has rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Manem et al. in view of Discho (US Pat. No. 361,143) or Reynolds (US Pat. No. 359,889). The Examiner has further rejected claims 1-5 and 7 under 35 U.S.C. 102(b) as being anticipated by Knapton (US Pat. No. 4,705,192). The Examiner has further rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by West (US Pat. No. 2,516,818). The Examiner has also rejected claims 1-2 and 5-6 under 35 U.S.C. 102(b) as being anticipated by Hellebusch (US Pat. No. 2,719,655). The Examiner has also rejected claims 1-2 and 5-7 under 35 U.S.C. 102(b) as being anticipated by Raboin et al. (US Pat. No. 5,503,246).

Each of claims 1-3 and 5-8 currently pending in the present application requires, among other elements, (i) that the container is shaped to sit on a horizontal surface and defines an area for receiving powder or shots therein, (ii) that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion, and (iii) that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree.

Applicant respectfully submits that, as discussed herein below, each of the above references cited fails to disclose or teach at least some or all of the above-identified elements (i), (ii) and (iii) of claims 1-3 and 5-8. Accordingly, claims 1-3 and 5-8 are patentably distinct over the cited references.

Manem et al. (US Pat. No. 3,490,501) disclose a multiple-use accessory for handling liquids. Manem et al., however, fail to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Manem et al. disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Manem et al. disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Manem et al. disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Manem et al.

Heberer (US Pat. No. 6,212,691) discloses a portable urinal for tree stand or other elevated platform. Heberer, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Heberer disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Heberer disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Heberer disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Heberer.

Discho (US Pat. No. 361,143) discloses a sprinkling pot. Discho, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Discho disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Discho disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Discho disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Discho, or over Manem et al. (discussed above) in view of Discho.

Reynolds (US Pat. No. 359,889) discloses a watering pot. Reynolds, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Reynolds disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Reynolds disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Reynolds disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Reynolds, or over Manem et al. (discussed above) in view of Reynolds.

Knapton (US Pat. No. 4,705,192) discloses a reusable multi-compartment container with charging and discharging means. Knapton, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Knapton disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Knapton disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Knapton disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Knapton.

West (US Pat. No. 2,516,818) discloses a medical applicator. West, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the West disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the West disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the West disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over West.

Hellebusch (US Pat. No. 2,719,655) discloses a non-splash pan for liquids. Hellebusch, however, fails to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Hellebusch disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Hellebusch disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Hellebusch disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Hellebusch.

Raboin et al. (US Pat. No. 5,503,246) disclose a crankcase oil drain pan. Raboin et al., however, fail to disclose or teach the above elements (i), (ii) and (iii) of the claims. In particular, the Raboin et al. disclosure does not teach that the container defines an area for receiving powder or shots therein. Moreover, the Raboin et al. disclosure does not teach that the spout portion of the funnel member has an inner diameter shaped to receive a tip portion of a cartridge case therein for loading or reloading the powder or shots through the spout portion. Furthermore, the Raboin et al. disclosure does not teach that the funnel portion and the spout portion of the funnel member extend generally transversely from the side portion of the container such that powder or shots received within the container is able to flow out of the funnel and into the cartridge case for loading or reloading the powder or shots when the funnel is inclined to a predetermined degree. Accordingly, in view of the foregoing, claims 1-3 and 5-8 are patentably distinct over Raboin et al.

As discussed above, each of the cited references of record fails to disclose or teach all or at least some of the above-identified elements (i), (ii) and (iii) of claims 1-3 and 5-8. Failing to disclose or teach substantially all of the above elements required by each of the claims, there can be any motivation to combine or modify the disclosure of the references to reach the invention as claimed in claims 1-3 and 5-8. Accordingly, claims 1-3 and 5-8 are patentably distinct over the cited references.

Applicant submits that all of the claims currently pending in this application (i.e., claims 1-3 and 5-8) are now in condition for allowance. Favorable reconsideration and early notice to that effect is earnestly requested.

Respectfully submitted,

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Stephen P. McNamara, Registration No. 32,745
Hyun Jong Park, Limited Recognition No. L0076
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155